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describing the various methods of parceling out government lands; and peculiar value also attaches to Mr. Turner's study of the causes of the panic and the financial disasters of 1890-1893, and to his sketch of the long-drawn-out agitation which finally led to the establishment of the Australian commonwealth.

Had Mr. Turner spent his long and busy life in England, he would apparently have been a Liberal of the school of Bright and Cobden. He has no sympathy with the protective policy of the colony of Victoria. He regards with grave distrust the system of payment of members of Parliament and other democratic innovations which have been made in the colony; and while he is unmistakably loyal to the British connection and writes with approval of the part which Victoria took at the time of the South African war, colonial militarism comes in for no commendation at his hands.

There is an admirable index. It extends to thirty-two pages; and surely there never was a book to which a good index was more necessary; for while few but specialists will be likely to read Mr. Turner's two volumes from beginning to end, they contain much that is of value and usefulness to more general students, and especially to students who are interested in the various new phases of democratic government as it has been developed in Victoria.

EDWARD PORRITT.

A History of Military Government in Newly Acquired Territory of the United States. By DAVID YANCEY THOMAS, Ph.D. [Columbia University Studies in History, Economics, and Public Law, Volume XX, No. 2.] (New York: The Columbia University Press; The Macmillan Company; London: P. S. King and Son. 1904. Pp. 334.)

THE United States for over a century has been steadily adding to its possessions, and yet little attention has been given by investigators to the government that has been established in these new lands. Mr. Thomas is to be congratulated on being one of the first to cover this exceedingly interesting subject. Being a pioneer in the field of military government, for Birkhimer and Winthrop may be put aside as legal rather than historical writers, he has been forced to map out a new course.

The author divides his work into three parts. The first, comprising five chapters, gives the history of the annexations and governments of Louisiana and Florida. In both cases the history is carried down to the time when territorial government was established. Four-fifths of this part is devoted to the acquisition and government of East and West Florida. This is necessarily so, for there was little or no military government in Louisiana. The second part is devoted to New Mexico and California, with the greater attention given to the latter. The third division of the work, dealing with Alaska and our insular possessions,

is most unsatisfactory because of its insufficient treatment. One chapter of two short pages (pp. 279-280) is devoted to Alaska, and we are given but the barest outline of annexation together with a mere statement as to the extension of revenue laws and the time when territorial government was established. Some criticism might be offered on considering Alaska as a military government, but, if such a position is taken, more details of the government should certainly be given. Hawaii is discussed in a chapter of half a page (p. 281) with even less detail than that on Alaska. The third chapter treats of the Philippines, Porto Rico, Samoa, and the Panama Canal Zone. The greater portion of this chapter is devoted to the Philippines, but even here the treatment is very brief and not altogether satisfactory. The final chapter of nine pages, dealing with the constitutional questions arising in our new possessions, furnishes but a short summary. However, the conflicting cases on the subject are well shown, although there is a failure to quote from any of the leading decisions.

In the preface Mr. Thomas states his purpose to be the treatment of the legal status of new territory, the legal basis of military government, and an account of the actual management of new possessions from the time of their occupation until the organization of territorial government. In regard to Louisiana, Florida, New Mexico, and California, his plan involves a political as well as a military history of those parts during the period of transition. The author does not consider it necessary to treat Alaska and the insular possessions as fully as the earlier acquisitions. He uses them merely to demonstrate the development of military government since the Mexican War and to show how the constitutional questions were met. The character of the later governments is not touched, but is left, according to his own words, to the reader's memory of partizan accounts or to some later historian. From this statement it will be seen that the scope of the work is much larger than the title would indicate, involving a constitutional and political history. Frequently the author's interest seems to be more in the political than in the military side of the story. We shall try to see how far he fulfils the task which he sets himself.

Such a work as that of Mr. Thomas should give in its beginning a clear definition of military government, but no concise statement is found. In the introduction an attempt is made. He takes Chief-Justice Chase's definitions of military law, military government, and martial law delivered in the case of *ex parte* Milligan as a starting-point, but at the same time admits that the definitions of the last two are too vague for formulation; he then proceeds to cast aside military law altogether despite the fact that its regulations might be and were applied to non-military persons in conquered territory. In fact the first courts established by the conqueror often made use of this law. As regards martial law the author accepts the ruling of the Hague Tribunal, although that regulation is recent and does not apply necessarily to the century that has gone before. This is well illustrated in the treatment of New

Mexico (p. 113). There is failure also to give the general constitutional and legal basis of military government. Much more might be said upon the war powers of the Constitution and also upon the war powers of the President as discussed in *Martin vs. Mott* and in the Prize Cases. It is true that the writer makes good use of the cases that arise in reference to the particular territories under discussion, but he does not give the broad foundation of that government. He overlooks, also, acts that have been passed by Congress in regard to this matter; and certainly, regarding the military government of the later possessions, more attention or at least more reference could have well been made to the experience of the Civil War.

Individual statements often go without special reference. An example of this is found on page 26, where statistics are given and we are told that they are "from the latest documents obtainable". This absence of foot-notes is also shown on page 29 in speaking of the Catholic church of Louisiana and the powers exercised by its officers. The same fault is evident on pages 166, 238, and 263. The manner in which foot-notes are handled is open to serious criticism. At the end of the paragraph a single page reference will be used accompanied by "seq." This often covers a vast amount of reading and is unsatisfactory to one desiring to verify some special statement. An example of this is on page 29, where one paragraph treats of taxes, revenues, tariff, salaries, conveyances of real estate, fees, importation of money, and the deficit. The reference given is: "Ann., 8 Cong., 2 Sess., 1498 *et seq.* A few statements have been taken from Martin, Gayarré, and from Stoddard." No definite reference being given to the authors mentioned, one feels that a long research is necessary. The existence of a monograph of this kind is of doubtful utility, if references are not plentiful and exact.

Frequently the details of military government are overlooked or cast aside. Referring again to the case of the Catholic church in Louisiana (p. 29), the author speaks of the officers of the church as having judicial powers and yet he gives no idea of their jurisdiction. In the case of Arbuthnot and Ambrister he merely mentions their names in a footnote and presents no details of the trial, which was by court martial in spite of the fact that the men were neutral foreigners. Again, in reference to the government of Amelia Island he fails to show the jurisdiction of the justices appointed by military authority and omits entirely the arbitration courts established there. The details of taxation are often overlooked; for example, in regard to New Mexico we are told that three pages of a military order were devoted to revenue but none of the details are given.

The best part of the author's work is that relating to Florida, New Mexico, and California. These acquisitions have been remarkably well treated and in general the judgment passed upon events is very fair and to the point. The taking possession of Florida, the attempt to form an independent state in West Florida, the seizure of Amelia Island, the manner in which Jackson overrode the local laws, the dispute over the

possession of the public records in the hands of the Spanish officials, the Callava and Fromentin incidents, receive most thorough treatment. Regarding New Mexico the comment on the scope of Kearny's action, especially upon his proclamation incorporating New Mexico into the United States, is very good. Mr. Thomas shows clearly the inconsistent position of the government established by Kearny under his so-called Fundamental Law. The uprisings against the United States and the treason trials growing out of them are given comprehensive treatment.

Turning to California, we reach the most satisfactory portion of the book. The Fremont incident is well treated, and the pettiness, not to say the dishonesty, of that officer is fully demonstrated. The conflicting orders of the War and Navy Departments in regard to California are brought out most clearly. The question of the Pueblos' lands was a most difficult one on account of the changing policy that the Mexican government had adopted in regard to them, but Mr. Thomas gives a good outline of the question. The court of admiralty with Alcalde Walter Colton at its head receives thorough discussion. He questions the action of levying forced contributions on the town of Santa Barbara, and inclines to take the later opinion on that subject, which is against such action. On the other hand he overlooks the fact that similar action was taken long after the Mexican War, and that it was frequently used in the south during and immediately after the War of the Rebellion. The awkward position in which the military commanders were placed in regard to the establishment of civil government is well described.

In conclusion it may be said that Mr. Thomas has given a comprehensive outline of the government of territory acquired by the United States before the Civil War. His work in that field will undoubtedly stand the test of time, and it is questionable if other writers can add much to the results obtained.

A. H. CARPENTER.

Jerusalem under the High-Priests. By Edwyn Bevan. (London, Edward Arnold, 1904, pp. ix, 170.) This work is a companion volume to the author's admirable *House of Seleucus*; the two books cover nearly the same period, but in the present volume the interest centers in Jewish history. The period between Nehemiah and the New Testament, almost unknown to the general reader, yields in importance to no other in Hebrew history; in it were composed the greatest books of the Old Testament and the whole of the Apocrypha, and in it were formulated the tendencies that have ever since dominated the Jewish people. Mr. Bevan's picture of the period, while popular in style, is thorough and accurate in matter. Into his attractive narrative of political events he weaves a sketch of the development of Jewish thought, including therein notices of the Book of Daniel and of all the great Apocryphal works of the time except the Wisdom of Solomon; it would have added to the interest of his description if he had included also the other canonical books (Psalms, Job, Proverbs, Ecclesiastes). One of the